

Application No.: 10/726,464

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Docket No.: 297912006402

REMARKS

This application has been reviewed in light of the Office Action dated October 5, 2004. Claims 1-17 are pending in the application. Claim 1 has been amended. This amendment is non-narrowing and support therefor can be found in the specification as filed. Applicants submit that no new matter or issues have been introduced. Reconsideration and favorable action is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. 103(a) over *Ruiz* in view of *Jorgensen*.

Claim 1, as amended, recites a "non-compliant medical balloon, where the non-compliant medical balloon may be changed from a deflated state to an inflated state by increasing pressure applied to an interior surface of the balloon, said interior surface of the balloon having a predetermined longitudinal length" and that "the longitudinal length of the non-compliant medical balloon remains substantially unchanged when the balloon changes from a deflated state to an inflated state."

Ruiz discloses "a balloon element 12 and sheath 13 having expandable but non-compliant mesh 14 disposed over balloon element 12." (Column 3, lines 57-59). However, as well known to one of ordinary skill in the art, whenever a compliant balloon is inflated, the longitudinal length of the compliant balloon will necessarily increase when the balloon changes from a deflated state to an inflated state.

Jorgensen discloses:

"A balloon 22 formed of an elastomeric skin 24 is secured to the tubes of the catheter. As shown, the proximal end of the balloon is secured to the outer diameter of tube 14, while the distal end of the balloon is secured to the outer diameter of tube 12. Balloon 22 is shown in its fully expanded state. Inflation lumen 20, which is in fluid communication with the interior volume of the balloon, allows such balloon to be inflated from a diameter $D_{sub.defL}$ (non-inflated) to a diameter $D_{sub.infL}$ (fully inflated). Referring to FIGS. 2 and 3, a constraining structure 26 is affixed to skin 24. (Column 3, lines 25-35).

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In *Jorgensen* as well as *Ruiz*, a compliant balloon is inflated within a non-compliant structure to limit the inflated diameter of the balloon. When the compliant balloon is inflated, the longitudinal length of the compliant balloon is changed (i.e., is increased). As such, neither *Ruiz* nor *Jorgensen*, nor any combination of the disclosures, teaches applying pressure to an interior surface of a balloon where the longitudinal length of the balloon remains substantially unchanged. Applicant, therefore, respectfully requests that the rejection of Claims 1-17 under *Ruiz* in view of *Jorgensen* be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket, no. 297912006402. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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